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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

PRESENT

THE HON'BLE MR.JUSTICE Y.BHASKAR RAO

AND

THE HON'BLE MR.JUSTICE C.N.ASWATHNARAYANA RAO

WRIT PETITION NO.11896/1998

BETWEEN:

1. Sri.Seetharamu
s/o B.Range Gowda,
2. Sri.Balakigowda,
s/o Yalakki Gowda,
3. Sri.Thimmegowda,
s/o Kotegowda,
4. Sri.Rame Gowda,
s/o Shivanna Gowda,
5. Sri.Range Gowda,
s/o Kempe Gowda,
6. Sri.Ramakrishne Gowda,
s/o Venkte Gowda,
7. Smt.Lakshamanna,
w/o Yalakki Gowda,
8. Sri.Ninge Gowda,
s/o Patel Andni Gowda,
9. Smt.Kempamma,
w/o Gangappa,
10. Smt.Puttamma,
w/o Ninge Gowda,
11. Sri.Shivanna Gowda,
s/o Gongappa.

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All are majors,
r/of Bommanahalli Village,
Bellur Hobli,
Nagamangala Taluk,
Mandya Dist.,

PETITIONERS.

(by Sri.Sreenivasa Gowda, Adv.,)

AND:

1. The State of Karnataka
Dept. of Revenue,
M.S.Building,
Bangalore-1.
2. The Dy.Commissioner, Mandya Dist.,
3. The Asst.Commissioner,
Pandavapura Sub Division,
Mandya Dist.,
4. The Tahsildar,
Nagamangala Taluk, Mandya Dist.,
5. Smt.Susheelamma,
w/o Ramanna,
6. Sri.Shivanna,
s/o Javeregowda,
7. Sri.Ramesh,
s/o Yakunta,
8. Sri.Venkatappa,
s/o Muniraghav.
9. Sri.Venkarwsh,
s/o Krishnappa,
10. Sri.Govinda,
s/o Venkataramaiah,
11. Sri.Muniswamaiah,
s/o Kariappa,
12. Smt.Hombamma,
w/o Chikkasannaiah,
13. Sri.Kariappa,
s/o Rangappa,

14. Sri.Honappa,
s/o Kariappa,
15. Muniyappa,
s/o Kariappa,
16. Sri.Murthy,
s/o Muniyappa,
17. Sri.Venkatesh,
s/o Muddaramaiah,
18. Sri.H.C.Puttaramu,
s/o Hanumegowda,
19. Sri.Narayanachari,
s/o Narasachari.
20. Sri.Nage Gowda,
s/o Chikkegowda,
21. Sri.Chunchaiah,
s/o Andanaiah,
22. Sri.Gundappa,
Sanjeevaiah,
23. Sri.Mudappa,
s/o Thimmegowda.
24. Smt.Sakamma,
w/o Kapanigowda,
25. Sri.Subbegowda,
s/o Nanjegowda,
26. Sri.Chandra,
s/o Kuntegowda,
27. Sri.Thimmegowda,
s/o Thimmegowda,
28. Sri.Ramakrishna,
s/o Javaraiah,
29. Sri.Ningappa,
s/o Bomma Lingaiah,
30. Smt.Doddamma,
w/o late Kalegowda,
31. Smt.Jayamma,
w/o Karunakara,

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32. Smt. Jayamma,
w/o Ganganna,
33. Sri. Puttaswamy,
w/o not known,
34. Smt. Shanthamma,
w/o Narayana,
35. Smt. Sarojamma,
w/o Sanjeeva, etc.,
36. Smt. Shanthamma,
w/o Narasimhaiah,
37. Sri. Krishnappa,
s/o Kalegowda,
38. Sri. Puttarangashetty,
s/o Venkatachalashetty,
39. Sri. Gangadhara,
s/o Bettegowda,
40. Sri. Rajappa,
s/o Gangaiah,
41. Sri. Nagaraju,
s/o Kariappa,
42. Sri. Patharaju,
s/o Yellappa,
43. Smt. Ningamma,
w/o late Gettegowda,

RESPONDENTS.

Respondents 5 to 43 all are majors,
r/of Govt. Burial Ground
Sy.No.4 of Bommanahalli
Village, Bellur Hobli, Nagamangala
Taluk, Mandya Dist.,

This WP filed under Arts.226 & 227 of the
Constitution of India praying to direct the R1 to 4
to evict all those R5 to 43 who have put up huts/
sheds from the schedule land. etc.,

This WP coming on for prly. hearing this day,
Y.BHASKAR RAO., J, made the following:

O R D E R

Writ petition is filed in the nature of an application.

2. Brief facts of the case are that there is a land bearing Sy.No.4 measuring 2 hectares 76 gunras in Bommanahalli, Bellur Hobli, Nagamangala Taluk, Mandya Dist., It is alleged that the said land is a burial ground for the benefit and is required for the common purpose of the villagers. While so, the respondents 5 to 43 illegally trespassed with the land and occupied the land and few of the respondents raised the huts. The petitioners approached the authorities by making representations and see that the land is kept vacant for the common use of the village, On the other hand the authorities are trying to collect the amount to regularise the possession of the illegal occupants. If the same is done, it would cause loss to the villagers and hardship. Therefore, they filed the writ petition.

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3. Heard the learned Counsel for the petitioners and Government Pleader.

4. The question whether if the land is burial ground or not, whether the alleged respondents trespassed and some of them raised huts or not, whether the authorities are trying to regularise the possession or not are all the questions of facts which has to be decided by the concerned authorities.

5. Therefore it is directed to the petitioners to file a petition before the 4th respondent-Tahsildar, Nagamangala Taluk, Mandya District. On filing of such a petition the Tahsildar is directed to issue notices to respondents 5 to 43 and conduct an enquiry/after hearing both the parties pass an appropriate order. Until the petition filed by the petitioners is disposed off the status-quo as on today regarding the land will be continued. Writ petition is disposed off accordingly.

Sd/-
JUDGE

Sd/-
JUDGE